

Remarks:

Reconsideration of the application is requested. Claims 1-5 and 7-14 are now in the application. Claims 1, 5, and 7 have been amended. Claim 6 has been canceled.

The amendment is made in furtherance of the proposal sent on February 3, 2003, and the Examiner's remarks dated February 5, 2003.

In item 1 of the Office action, the Examiner objected to claim 1 as being confusing. To clarify the claim, the Examiner's suggestion has been adopted and the term "defining" has been changed to --having--.

In item 2 of the Office action, the Examiner objected to claims 5 and 7. While the Examiner suggested to amend the claims by replacing "outside" with --top-- and "inside" with --bottom--, this change has not been made because it assumes that filler has an upward orientation, when it should not be limited to facing in any direction: i.e. forward, backward, rightward, leftward, downward, or upward. However, the claims have been amended to clarify that the orientation (i.e. inside and outside) is relative to the surface. The amended claims accordingly should be clear.

In item 4 of the above-identified Office action, the Examiner has rejected the specification as being indefinite under 35 U.S.C. § 112, second paragraph. More specifically, the Examiner has stated that, in claim 6, the phrase "relatively high refractive index" was indefinite. A basic theory of lenses utilizes the greater refractive index of the lens relative to the environment surrounding it. However, because the specification does not specifically define this relationship, the claim has been canceled. The claim is not canceled for reasons relating to the prior art.

Accordingly, the specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

In item 6 of the Office action, the Examiner rejected claims 1-6 as being fully anticipated by Mori et al. (U.S. 4,603,065) under 35 U.S.C. § 102(b). The rejection has been noted and the claims have been amended in an effort to define more clearly the invention of the instant application. Support for

the changes is found on page 6, lines 11-17, of the specification.

Before discussing the prior art in detail, a brief review of the invention as claimed is provided. Amended claim 1 calls for, *inter alia*, a filler having the following features:

Claim 1 (amended). A filler for decorating an insignia disposed on a surface and having at least one space formed therein and exposing the surface, comprising an insert adapted to fill the space and lie directly on the surface.

Mori et al. discloses a Decorative Part. The decorative part according to Mori et al. is not adapted to fill a space in an insignia, wherein the space exposes an underlying surface. Rather, Mori et al. teach a frame 11 that is solid; the frame 11 contains no space through which the underlying surface can be seen. In this way, Mori et al. teach a solid (i.e. no spaces) insignia. Mori et al. does not teach a filling that can be retrofitted to an existing insignia having a space that exposes the underlying sheet metal as is described in claim 1 of the instant application.

Accordingly, none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Therefore, claim 1 is patentable over the art. Moreover, because all of the dependent claims are ultimately

dependent on claim 1, they are believed to be patentable as well.

In item 7 of the Office action, the Examiner rejected claims 4 and 11-12 as being unpatentable over Mori et al. in view of Fielder et al. Because Fielder does not describe the features in amended claim 1 (as described previously) and claims 4 and 11-12 all ultimately depend on claim 1, claims 4 and 11-12 are patentable over the Mori et al. in view of Fielder et al. for the same reasons as claim 1.


In view of the foregoing, reconsideration and allowance of claims 1-5 and 7-14 are solicited. In the event the Examiner should still find any of the claims to be unpatentable, please telephone counsel so that patentable language can be substituted.

Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section 1.136(a) in the amount of \$205 in accordance with Section 1.17 for a small entity is enclosed herewith.

Please charge any other fees that might be due with respect to
Sections 1.16 and 1.17 to the Deposit Account of Lerner and
Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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For Applicant

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Version with Markings to Show Changes Made:

In the Claims:

Cancel claim 6.

Claim 1 (amended). A filler for decorating an [automobile] insignia [defining] disposed on a surface and having at least one space formed therein and exposing the surface, comprising an insert [filling] adapted to fill the space and lie directly on the surface.

Claim 5 (amended). The filler according to claim 2, wherein said colored layer has an outside relative to the surface, and a lens overlays and connects to said outside.

Claim 7 (amended). The filler according to claim 2, wherein said colored layer has an inside relative to the surface, and a magnet for attracting an automobile underlies and connects to said inside.

Add the Following Claims:

--13. The filler according to claim 1, wherein the surface is part of a vehicle.--

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--14. The filler according to claim 1, wherein:

the insignia is an automobile insignia; and

the surface is part of an automobile.--